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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,548	12/29/2000	Min Zhu	M-8856 US	7423

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EXAMINER	
STRANGE, AARON N	
ART UNIT	PAPER NUMBER
2153	

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/751,548	ZHU ET AL.	
	Examiner	Art Unit	
	Aaron Strange	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 August 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *19-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *19-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *16 August 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *07152004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 19-32 have been considered but are moot in view of the new ground(s) of rejection.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 19-25 and 27-31 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 19-25 of copending Application No. 09/751,424. The table below highlights the differences between the claims.

Present Application	Copending Application 09/751,424
Claim 19. A **scalable** system for collaborative computing comprising:	Claim 19. A distributed system for collaborative computing comprising:
a webzone for allowing a plurality of client	a webzone for allowing a plurality of client

computers to access the scalable system via a global-area network, the web zone having at least one web server;	computers to access the distributed system via a global-area network, the web zone having at least one web server;
a meeting zone for supporting an on-line conference among the plurality of client computers, the meeting zone having a meeting manager, a plurality of collaboration servers, and a plurality of application servers, wherein:	a meeting zone for supporting an on-line conference among the plurality of client computers, the meeting zone having a meeting manager, a plurality of collaboration servers, and a plurality of application servers, wherein:
the meeting manager is operable to manage the on-line conference in the meeting zone;	the meeting manager is operable to manage the on-line conference in the meeting zone;
each collaboration server is operable to host at least a portion of the on-line conference;	each collaboration server is operable to host at least a portion of the on-line conference;
each application server is operable to support at least one service for the on-line conference;	each application server is operable to support at least one service for the on-line conference;

wherein the meeting manager is operable to receive a request to join the on-line conference from a client computer, and to select at least one of the collaboration servers and the application server based on respective processing loads of the collaboration servers and the application servers.	
Claims 20-25 are identical	Claims 20-25 are identical
Claims 27-31 claim the same subject matter as claims 19 and 23 of the present application	

Although the conflicting claims are not identical, they are not patentably distinct from each other. All of the limitations recited in the claims of the present application are present in the claims of Copending Application 09/751,424, except for: the computer system being scalable, receiving a request to join an on-line conference from a client computer, and selecting one of the server computers based upon processing loads of the server computers.

However, the computer system claimed in Copending Application 09/751,424 is scalable since it comprises a plurality of server computers, and adding more server computers can scale the system. Receiving a request by the client to join an on-line

conference is inherent in conducting an on-line conference as cited in claim 1 of Copending Application 09/751,424. When conducting a conference among clients, the clients must join place a request to join the conference in order to participate. Selecting one of the server computers based upon processing loads of the server computers is a well-known practice in the art. Load-balancing techniques are well-known and often used to distribute the load of multiple clients connecting to multiple servers. This prevents single servers from getting overloaded with connections while other servers sit idle, improving the responsiveness of the system for the clients.

4. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 19-25 and 27-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Quantrano et al. (US 6,748,420).

7. With regard to claims 19 and 27-30, Quantrano discloses a scalable system for collaborative conputing, comprising: a web zone for allowing a plurality of client

computers to access the scalable system via a global-area network, the web zone having at least one web server (Fig 3, Abstract); a meeting zone for supporting an on-line conference among the plurality of client computers, the meeting zone having a meeting manager, a plurality of collaboration servers, and a plurality of application servers (Figs. 3,8,9 and Col 18, Lines 7-15 and Col 29, Line 66 to Col 30, Line 47), wherein: the meeting manager is operable to manage the on-line conference in the meeting zone (Col 18, Lines 7-15 and Col 29, Line 66 to Col 30, Line 47); each collaboration server is operable to host at least a portion of the on-line conference (Fig 8 and Col 29, Line 66 to Col 30, Line 20); and each application server is operable to support at least one service for the on-line conference (Fig 9 and Col 30, lines 22-35); wherein the meeting manager is operable to receive a request to join the on-line conference from a client computer, and to select at least one of the collaboration servers and the application servers based on respective processing loads of the collaboration servers and the application servers (Col 29, Line 66 to Col 30, line 20).

8. With regard to claim 20, Quantrano further discloses that each collaboration server and each application server comprises a respective logical server (Fig 9 and Col 30, Lines 22-35).

9. With regard to claim 21, Quantrano further discloses that the meeting zone comprises a process manager for monitoring each logical server (Fig 9 and Col 30, Lines 22-35).

10. With regard to claim 22, Quantrano further discloses that the meeting zone comprises a zone manager for supporting communication among the logical servers (Col 18, Lines 7-15).

11. With regard to claims 23 and 31, Quantrano further discloses that the meeting manager is operable to maintain status information for the meeting zone (Col 16, Lines 8-31).

12. With regard to claim 24, Quantrano further discloses that the at least one service for the on-line conference comprises one of document viewing, file sharing, video, voice over IP, telephony, polling, chat, and application sharing (application sharing)(Abstract).

13. With regard to claim 25, Quantrano further discloses that the meeting manager is operable to manage all of the collaboration servers and the application servers in the meeting zone (Figs 8,9 and Col 29, Line 66 to Col 30, Line 47).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

15. Claims 26 and 32 rejected under 35 U.S.C. 103(a) as being unpatentable over Quantrano et al. (US 6,748,420) in view of Salesky et al. (US 6,343,313).

16. With regard to claims 26 and 32, while the system disclosed by Quantrano shows substantial features of the claimed invention (discussed above), it fails to specifically

disclose that the meeting manager is operable to determine whether a predetermined number of authorized conference participants has been exceeded.

Salesky teaches determining whether a predetermined number of authorized conference participants have been exceeded so that additional servers can be assigned to a meeting if process limitations are exceeded by a large number of client connections (Col 32, Lines 6-38). Adding additional servers as the number of users allows the performance of the system to be maintained.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made for the meeting manager to determine if a predetermined number of authorized conference participants have been exceeded. This would have allowed additional servers to be assigned to the meeting to improve or maintain performance of the system.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron Strange whose telephone number is 571-272-3959. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ANS
11/8/2004

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